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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

AUG 24 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Amendment of the Commission's  
Rules to Implement Section 4(g)(3)  
of the Communications Act of 1934  
as Amended, the Commission's  
Statutory Gift Acceptance Authority

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GC Docket No. 93-153

To: The Commission

COMMENTS OF  
THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED

The American Radio Relay League, Incorporated (the League), the national non-profit association of amateur radio operators in the United States, by counsel and pursuant to 47 C.F.R. §1.415, hereby respectfully submits its comments in response to the Notice of Proposed Rule Making (the Notice), FCC 93-274, 8 FCC Rcd. 4154 (1993). The Notice proposes to implement the Commission's statutory gift acceptance authority, thus to permit the Commission to accept donations and gifts, while at the same time protecting against acceptance of any gift or donation that would create the appearance of a conflict of interest. With respect to the proposals in the notice as they would affect the interaction of the Commission's staff with the community of licensees in the Amateur Radio Service, the League states as follows:

1. The League's interest in this proceeding is to avoid the promulgation of overbroad rules that would, in an effort to avoid the appearance of a conflict of interest, prevent the Commission from providing services to, or interaction with, licensees in the Amateur Radio Service. The Amateur Radio Service is, after all, a non-commercial radio service, and is largely self-regulating. These characteristics are fundamental to the Service, and the Commission has relatively little involvement with the Service in the first place. Conflict of interest allegations are unlikely in connection with the Amateur Radio Service, and have historically been extremely rare.

2. Radio amateurs learn much from the attendance of Commission staff at amateur radio conventions and social gatherings. The conventions are often sanctioned by, or under the umbrella of, the League. The League has in the past, as a Section 501(c)(3) tax exempt, charitable, scientific and educational entity, and with the approval of the General Counsel's office, underwritten the attendance of Commission staff, principally staff of the Private Radio Bureau or the Field Operations Bureau, at these conventions. It provides direct reimbursement to those staff persons for documented, reasonable out-of-pocket expenses. The attendance of staff provides a helpful interaction between licensees (who individually have no adjudicatory matters before the Commission) and Commission staff. It permits a better understanding of the regulatory problems and issues affecting the service as a whole.

The League, as the principal representative of the Amateur Radio Service, regularly participates in rule making proceedings affecting the Service, but normally has no adjudicatory matters pending before the Commission. Requests for individual accommodations from Commission staff are not made at such events, though the issues which may be related to rule making proceedings may be discussed. Indeed, radio amateurs are educated at such events about the nature of pending rule making proceedings, as a matter of interest.

3. On the above facts, it would be completely unreasonable to enact rules that would prohibit Commission staff from being able to attend these conventions, and to be directly reimbursed for doing so. There should be no enactment of rules which would restrict that which is permitted at the present time. The League suggests that the only "prohibited sources" of gifts should be those who have adjudicatory matters pending before the Commission, such as individual license applications, or pending enforcement proceedings. Those entities, especially tax-exempt, non-profit organizations, should not for any purpose be considered a "prohibited entity." The Commission's travel budget is not extensive enough to permit Commission staff to travel to amateur radio conventions on the Private Radio Bureau's budget, or the Field Operations Bureau's budget. Because of this, any restriction on direct reimbursement of expenses, or any prohibition on acceptance of food and drink incidental to such attendance at

amateur radio conventions, would constitute an effective prohibition on attendance of Commission staff at those events. This would be a most unnecessary and harmful effect, and should be avoided at all costs. The Amateur Service would suffer for it, and no useful purpose would be served.

4. Finally, the League from time to time has donated to the Commission, by distribution to certain staff members, technical publications of the League concerning the Amateur Radio Service. These publications are distributed to the Commission not for the personal benefit of the Commission staff members, but to provide technical information that will permit them to better understand the issues affecting the Amateur Radio Service. These include the ARRL Handbook, a publication widely used by those studying for state Professional Engineer examinations, and which is a standard reference text. Other publications have similar characteristics. No rules adopted in this proceeding should have the effect of depriving Commission staff of these reference materials, merely because they are distributed by an organization which participates in rule making proceedings and is representative of a user group overall.

5. The League has no significant concern about a case-by-case analysis of proposed Commission staff travel for which direct reimbursement of expenses is offered by an organization, but since the Amateur Radio Service is a non-commercial service, and the

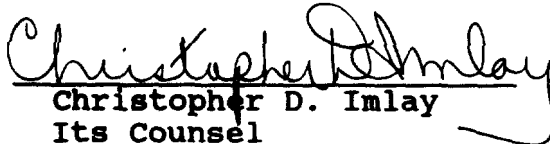
League is a non-profit entity which has no expectation that any sponsorship of Commission staff travel will benefit the League in any regulatory matter whatsoever, there should be considered a categorical exemption for direct-reimbursed travel for amateur radio events by 501(c)(3) sponsors. The League has no objection to any record keeping of reimbursed travel expenses, or publication of the same.

Therefore, the foregoing considered, the American Radio Relay League, Incorporated respectfully requests that any final rules adopted in this proceeding be in conformity with the above comments.

Respectfully submitted,

THE AMERICAN RADIO RELAY  
LEAGUE, INCORPORATED

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